IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 5154 of 1987

For Approval and Signature:

HONOURABLE MR.JUSTICE K.A.PUJ

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1	Whether Reporters of Local Papers may be allowed to see the judgment ?
2	To be referred to the Reporter or not ?
3	Whether their Lordships wish to see the fair copy of the judgment ?
4	Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?
5	Whether it is to be circulated to the civil judge ?

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GOVERNMENT PHOTO REGISTRY - Petitioner
Versus
INSPECTOR GENERAL OF REGISTRATION & 2 - Respondents

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Appearance :
NOTICE SERVED for Petitioner.
M/S PATEL ADVOCATES for Respondent(s) : 1 - 3.

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CORAM : HONOURABLE MR.JUSTICE K.A.PUJ

Date : 10/01/2006

ORAL JUDGMENT

1.The petitioner, namely, Government Photo Registry Class III Employees Union through its Secretary has filed this petition under Article 226 of the Constitution of India praying for quashing and setting aside the order at Annexure A dated 10.09.1987. The petitioner has also prayed for the direction to the respondents to make all future appointments / promotions on the post of Photo Registrar only as per the existing Recruitment Rules. The petitioners have also prayed for the interim directions directing the respondent Nos. 1 & 2 to make any future appointment / promotion on the post of Photo Registrar in accordance with Recruitment Rules. Lastly, the petitioner has prayed for the interim relief directing the respondent No. 3 not to work on the post of

Photo Registrar till this petition is finally heard and decided by this Court.

2.The petition was admitted and rule was issued on 01.02.1987. Ad-interim relief in terms of para 13 (d) was granted whereby the respondents were directed to make any future appointments / promotions on the post of Photo Registrar in accordance with the Recruitment Rules. The Court has, however, not granted the interim relief as per para 13 (e) meaning thereby the respondent No. 3 was not restrained from working on the post of Photo Registrar during the pendency of this petition. Since the interim relief which was granted as per para 13 (d) is in operation during pendency of this petition, all future appointments and/or promotions must have been made in accordance with the Recruitment Rules. Even otherwise, there would not be any objection against this direction.

3.The petition was filed by the learned advocate who was later on elevated to the Bench of this Court. This petition was earlier dismissed for want of prosecution. It was subsequently restored to file by virtue of an order passed on 21.03.2001 in M.C.A. No. 198 of 2001. Even after restoration, nobody has appeared on behalf of the petitioner despite the fact that fresh notice was issued on the petitioner. It, therefore, appears to the Court that the petitioner might have lost all interest in prosecuting this matter. The Court, therefore, without going into the merits of the matter, dismisses this petition reserving liberty to the petitioner to approach this Court in case of difficulty and if the need so arises in future.

4.Subject to the aforesaid direction and observation, this petition is accordingly

dismissed. Rule discharged without any order as to costs.

[K.A. PUJ, J.]

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